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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,156	02/27/2004	Makoto Ooki	04118/LH	8972
1933	7590	06/14/2005	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC 220 5TH AVE FL 16 NEW YORK, NY 10001-7708			LABAZE, EDWYN	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/789,156

Applicant(s)

OOKI, MAKOTO

Examiner

EDWYN LABAZE

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 22-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Receipt is acknowledged of amendments filed on 5/26/2005.
2. Claims 22-44 (including new claims 43-44) are presented for examination.

### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 22-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito et al. (U.S. 5,199,081).

Re claims 22-24, 40-42, and 43-44: Saito et al. discloses system for recording an image having a facial image and ID information, which includes a first identification unit [herein described as the image reader 104 or the character recognition 105] to identify an area of an input image as one of a character area, a photographic area, and a screened halftone area (col.3, lines 45+; col.4, lines 41+); an output unit 108 [as shown in fig. # 1] to output one of a character area identification signal a photographic area information signal, and a screened halftone information signal based on an output of the first identification unit for each identified area

Art Unit: 2876

(col.3, lines 47+); and a recording unit to form an image for each identified area to be a respective single color based on the signal output by the output unit for each said identified area (col.3, lines 48+; col.5, lines 36+; col.14, lines 3+). Saito et al. further teaches an identification unit 104 to identify an area of an input image as one of a chromatic character [i.e. a color pixel] area and an achromatic character [i.e. a monochrome pixel] area (col.5, lines 60+). Saito et al. further discloses a controller {herein image processing controller 107} to control the recording unit to form an image for each identified area to be a respective single color based on the signal output by the output unit for each said identified area, when an area identification mode is selected (col.4, lines 53+; col.11, lines 63+; col.13, lines 46+).

Re claims 25-26: Saito et al. teaches an apparatus and method, further comprising a specification unit [herein broadly interpreted as the color judgment circuit 408] to specify the respective color for each the identified area (col.7, lines 36+; col.14, lines 32+).

Re claims 27-28: Saito et al. discloses an apparatus and method, further comprising a gradation-processing unit [through the gray level detection circuit 407] to gradation-process image information of the achromatic character area (col.12, lines 55+).

Re claims 29-30: Saito et al. teaches an apparatus and method, wherein the first identification unit has an identification reference value and comprises an operation setting unit to set the identification reference value (col.9, lines 37+; col.11, lines 8+).

Re claims 32-33: Saito et al. teaches an apparatus and method, wherein the input image [through the input image processing 106] is obtained by reading [through the image reader 104] a document with a document reading device (see fig. # 1; col.4, lines 50+).

Art Unit: 2876

Re claims 34-35: Saito et al. teaches an apparatus and method, further comprising a control unit 101 to determine whether the output of the first identification unit is accurate (col.4, lines 50+; col.8, lines 20+).

Re claims 36-39: Saito et al. discloses an apparatus and method, further comprising an adjustment unit to automatically adjust the identification reference value based on control signals output from the control unit, and wherein the adjustment unit comprises at least one of a spatial filter [through the color image sensor 305 composed of red, blue, and green color filters] adjustment unit, a gamma control unit, a color conversion [through the linear density conversion circuits 403, 404, and 405] adjustment unit, and an error diffusion adjustment unit (col.6, lines 12-54; col.7, lines 31-67; col.10, lines 16-67).

### *Response to Arguments*

6. Applicant's arguments filed 5/26/2005 have been fully considered but they are not persuasive.

The applicant argues that the prior art of record, Saito et al. (U.S. 5,199,081) does not disclose reproducing photographic information from the area 201, signature information from area 202, and character information from area 203 as respective single colors in an output image, as recited in amended independent claims 22, 23, 40 and 41 and new independent claims 43 and 44 (see page 13, lines 6+ of applicant arguments).

The examiner respectfully disagrees with the applicant's remarks. Saito et al. does teach reproducing photographic information (see col.14, lines 20+) and character information for each identified area to be a respective color (see col.12, lines 10-20).

The applicant argues that Saito et al. does not teach the problem of poor or inappropriate area identification which is solved by the claimed invention (see page 13, lines 12+ of applicant arguments).

The examiner respectfully disagrees with the applicant's remarks, because such limitation is not disclosed in the claimed invention {it is not quite cleared which of the mentioned areas, a character area, a photographic area or a screened halftone area, as stated in claimed invention is to be considered as a poor or inappropriate area}. Therefore, the prior art of record does teach the problem of poor area identification area by improving the reproducibility of a photographic image (col.13, lines 65+; col.14, lines 20+). The examiner retains the rejection as set forth above.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Murakami et al. (U.S. 5,231,482) discloses image filing apparatus and method for thereby encoding and storing various documents.

D'Entremont et al. (U.S. 5,886,334) teaches systems and methods for recording data.

Funada et al. (U.S. 6,192,152) discloses image-processing apparatus.

Tanioka (U.S. 6,661,921) discloses image process apparatus, image process method and storage medium.

Fujimoto et al. (U.S. 6,707,564) teaches image forming apparatus.

Ishiga et al. (U.S. 6,836,572) discloses interpolation processing apparatus and recording medium having interpolation processing program recorded therein.

Art Unit: 2876

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
June 13, 2005



**THIEN M. LE**  
**PRIMARY EXAMINER**